

# **State Pilotage Commission**



## **Functional Analysis & Records Disposition Authority**

**Revision  
Presented to the  
State Records Commission  
October 25, 2000**

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# Functional and Organizational Analysis of the State Pilotage Commission

## Sources of Information

- Representatives of the State Pilotage Commission:
  - Mary Ann Mahathy, Commission Secretary
  - David A. Bagwell, Commission Attorney
- Code of Alabama 1975 § 33-4-1 through § 34-4-14
- Code of Alabama 1975 § 41-20-1 through § 41-20-16 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through § 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code Chapters 710-X-1.01 through 710-X-1.09
- Alabama Government Manual (1998)
- *Code of Laws Regulating the Harbor of Mobile* (N.D.)
- *Port of Mobile Handbook* (1967)
- Government Records Division, State Agency Files (1985-ongoing)

## Historical Context

The legislature created the Commissioners of Pilotage of the Bay and Harbor of Mobile (1848-1870) in March of 1848. Prior to this time, the Harbor Master and Wardens of the Port of Mobile performed the pilotage duties. The legislature abolished the Commissioners of Pilotage in March 1870, and the duties returned to the harbor master and wardens. With increased shipping trade in Mobile and needed expansion of Mobile Harbor in the early part of the 20th century, the legislature created the State Harbor Commission in 1915 (Acts 1915). This law also gave the Harbor Commission the authority to constitute a Board of Commissioners of Pilotage. In 1923, the legislature abolished the State Harbor Commission and created the State Docks Commission, which assumed the responsibilities for the Board of Commissioners of Pilotage (Acts 1923 No. 303, p. 330). All pilotage responsibilities continued in this agency until 1931 when the legislature created the State Pilotage Commission (Acts 1931 No. 81, p. 154). The state legislature continued the commission's existence following the last sunset review in 1996.

The jurisdiction of the pilotage commission extends over the waters of Mobile Bay, Mobile River, and all tributary streams (or branches) flowing into Mobile Bay or Mobile River, in which the tide ebbs and flows, to the outer bar below Fort Morgan, Alabama, in the Gulf of Mexico. A bar is defined as a submerged or partly submerged bank (as of sand) along a shore or in a river or bay often obstructing navigation. Alabama bar pilots are local ship captains who guide ships in the shipping channel that runs from the bar below Fort Morgan to the Port of Mobile. The Port of Mobile requires that every ship (unless it is exempt) take aboard a bar pilot to guide its entrance to or exit from Mobile.

## Agency Organization

The State Pilotage Commission consists of three members appointed by the governor. The members of the commission must be United States citizens and Alabama voters. One commission member must be an official of a steamship company that operates an office in Mobile. One member of the commission must be an active bar pilot, and one must be a businessman or in a professional occupation licensed by the State of Alabama. Commission members serve six-year terms-of-office, meet at least once every three months, and are only reimbursed for travel expenses connected with attendance at commission meetings. A commission chairman, elected from the members of the commission, presides over each meeting.

The State Pilotage Commission elects a secretary responsible for the day-to-day operations of the commission. The secretary is responsible for managing all moneys paid to the office of the commission, for maintaining all books and records of the commission, and for keeping a record of every meeting held by the commission. The current secretary only works part-time.

While the State Pilotage Commission is a state agency according to statute, the commission receives no appropriation from the state general fund or the educational trust fund. All commission activities are supported through funds received from bar pilots, apprentices, and the Mobile Bar Pilots Association.

## Agency Function and Subfunctions

The mandated function of the State Pilotage Commission is to license (also known as branch) bar pilots and issue regulations and rules regarding the pilotage of ships into and out of the Port of Mobile. The commission also determines the number of bar pilots to be licensed and oversees the apprenticeship and application processes. The State Pilotage Commission is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government.

In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975 § 33-4-11 authorizes the commission to promulgate rules and regulations necessary for regulating the piloting of ships and all watercraft into and out of any harbor or seaport in the state. The commission also has the authority to make rules and regulations regarding the physical and mental capacity of active bar pilots. This subfunction encompasses activities pertaining to the establishment and promulgation of rules and regulations, including due process, licensure procedures, and other official policies needed by the commission for carrying out its duties and responsibilities. The rule-making powers of the board are subject to the Alabama Administrative Procedures Act as codified at the Code of Alabama 1975 § 41-22-1 through § 41-22-27.
- **Licensing.** The Code of Alabama 1975 § 33-4-30 establishes the authority of the State Pilotage Commission to determine the number of apprentices and pilots that are

necessary to meet the needs of the ships using Mobile Bay and Mobile River. The commission also is the sole judge of the seniority and statutory qualifications of applicants for apprenticeship and licensure. The pilotage apprenticeship requirements are outlined in the Code of Alabama 1975 § 33-4-31 through § 33-4-33 and the Administrative Code Chapter 710-X-1-.09. These qualifications include: a limitation of the number of apprenticeships to nine, a minimum age requirement of 18, holding or working towards qualification for the necessary United States Coast Guard licenses, and appropriate maritime employment and experience. The qualifications for branching (licensing) include completion of apprenticeship requirements, holding current United States Coast Guard licenses, completion of the application, and successful completion of a written examination. The number of bar pilots needed to escort ships into and out of Mobile has declined over the years as trading vessels have grown in size and the numbers decreased. Currently, there are only twelve licensed bar pilots and four individuals on the apprenticeship register. The job openings for bar pilots are filled from the apprenticeship register.

Licensed bar pilots pay an annual pilot's license tax and must submit a surety bond for \$2,000 dollars to the commission. The surety bonds are renewed every six years. In addition, bar pilots submit "drug-free" certificates to the commission every six months and undergo an annual physical.

- **Investigating.** In accordance with the Code of Alabama 1975 § 33-4-41, the State Pilotage Commission can suspend or revoke the license of any pilot who violates any law, rule, or regulation established by the commission. Pilots are notified in writing of specific charges and a hearing date is scheduled. The commission also investigates, upon appeal from an apprentice who was discharged from his position, the reasons for the dismissal. Based on the findings from an investigation, the commission may annul the discharge and reinstate the apprentice.
- **Administering Internal Operations.** A significant portion of the commission's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency including:

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, lobbying, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing ( requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting

with companies or individuals; bidding for products and services; assisting the in the audit process; investing and issuing bonds.

**Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees, such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, promoting, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

# Analysis of Record Keeping System and Records Appraisal of the State Pilotage Commission

## Agency Record Keeping System

The State Pilotage Commission currently operates a paper-based record keeping system.

## Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the State Pilotage Commission: Temporary Records and Permanent Records.

**I. Temporary Records.** Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the commission are discussed below:

- **Apprenticeship Register Files.** The commission is responsible for maintaining the apprenticeship register for bar pilots. An individual meeting all apprenticeship requirements can stay on the register for many years. These files contain general correspondence with the apprentice, copies of birth certificates and driver's licenses, copies of school transcripts and diplomas, United States Coast Guard licenses, and an application form. Once an apprentice passes an exam and becomes licensed, his file becomes a licensure file. Files for individuals who are removed from the apprenticeship register should be destroyed five years after they are removed.

**II. Permanent Records.** The Government Records Division recommends the following records as permanent.

## Promulgating Rules and Regulations

- **Meeting Minutes of the Commission.** The commission generally meets quarterly. Meeting minutes are the core documentation of the commissions policy making and other program related functions and should be maintained permanently. (**Bibliographic Title: Meeting Minutes**)

## Licensing

- **Bar Pilots Licensure Files.** The commission is responsible for examining and licensing applicants as bar pilots. These files serve as evidence of the scope of a licensee's professional practice in this state, from apprenticeship through retirement. The Code of Alabama 1975 § 33-4-53 indicates that bar pilots must retire at age 68. A typical licensure file may contain a completed application form, evidence of a successful examination, the bar pilot's oath, annual physical certificates, semi-annual "drug-free" certificates, surety bonds, copies of birth certificate and driver's license, correspondence,

and updated information concerning United State Coast Guard licenses. The State Pilotage Commission is one of the few state agencies that has performed the same function for more than 100 years. The number of bar pilots is small, and this is such an interesting function performed for the state that the license files should be maintained permanently. This is one of the most complete groups of licensing files available for a licensed profession in Alabama. **(Bibliographical Title: Licensure Files for Bar Pilots)**

- **Bar Pilots License Book.** This book contains the record of all of the licenses issued by the commission. Along with the names of the licensees are the dates which the licensee retires from active duty. As with the Bar Pilots Licensure Files, the completeness of this group of records warrants their permanent retention. **(Bibliographic Title: License Book for Bar Pilots)**
- **Licensing Exam Questions and Answers.** The commission secretary administers the licensing exam at the direction of the commission. The exam questions are prepared by the commissioners and the members of the Mobile Bar Pilots Association. The shipping channel in Mobile Bay and the ships entering the bay have changed over the years. Maintaining copies of each exam would document the changes in the bay, in the shipping industry, and the job requirements for bar pilots. Each licensed pilot's answers to the exam questions is placed in his licensure file. **(Bibliographic Title: Licensing Exam Questions and Answers)**

## Investigating

- **Accident Report Files.** All bar pilots are required to submit reports to the commission that describe any accidents that occurred under their watch. These files contain copies of these reports and associated correspondence. These files help to document significant incidents and accidents that occurred in Mobile Bay. Along with the Bar Pilots Licensure Files these records document the duties and functions of bar pilots and should be kept permanently. **(Bibliographic Title: Accident Report Files)**

## Administering Internal Operations

- **Administrative Correspondence.** These records include correspondence with state officials, legal/advisory opinion correspondence, correspondence between the department and other state and federal agencies. These records document the commission's policies and procedures and the commission's interaction with other agencies. **(Bibliographic Title: Administrative Correspondence)**
- **General Ledger.** The general ledger is the principal record of final entry for all financial transactions. Each of the agency's controlling accounts is listed on separate pages and each entry includes whether it is a debit or credit transaction, date, nature and amount of transaction. **(Bibliographic Title: General Ledger)**
- **Quarterly Receipts and Disbursement Reports.** In accordance with the Code of Alabama 1975 § 33-4-6, every three months the secretary must submit to the commission



three statements showing all moneys received and paid for the preceding three months. The statements also must show the source from which said moneys were received and the purpose for which they were paid. Despite the fact that the audit reports are maintained permanently (Examiners of Public Accounts), this series provides a detailed view of the source of moneys received by the commission and the actual purchases made by the commission. **(Bibliographical Title: Quarterly Receipts and Disbursement Reports)**

# **Permanent Records List State Pilotage Commission**

## **Promulgating Rules and Regulations**

1. Meeting Minutes of the Commission

## **Licensing**

1. Bar Pilots Licensure Files
2. Bar Pilots License Book
3. Licensing Exam Questions and Answers

## **Investigating**

1. Accident Report Files

## **Administering Internal Operations**

1. Administrative Correspondence
2. General Ledger
3. Quarterly Receipts and Disbursement Reports

# **State Pilotage Commission Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the staff of the State Pilotage Commission. The RDA lists records created and maintained by the State Pilotage Commission in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the State Pilotage Commission to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Under the Code of Alabama 1975 § 36-12-40, "every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute." Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

## **Explanation of Records Requirements**

- This RDA supersedes any previous records disposition schedules governing the retention of the State Pilotage Commission's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept.
- Electronic mail is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back

messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the State Pilotage Commission and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The commission may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

### **Promulgating Rules and Regulations**

#### **MEETING MINUTES OF THE COMMISSION**

Disposition: PERMANENT RECORD.

#### **REGISTER OF ADMINISTRATIVE RULES**

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

#### **Administrative Rule Files**

Disposition: Temporary Record. Retain for useful life.

### **Licensing**

#### **BAR PILOTS LICENSURE FILES**

Disposition: PERMANENT RECORD.

#### **BAR PILOTS LICENSE BOOK**

Disposition: PERMANENT RECORD

#### **Apprenticeship Register Files (Active)**

Disposition: Temporary Record. Retain for useful life.

*(Note: For those apprentices who become bar pilots, their file becomes the Bar Pilot Licensure File.)*

#### **Apprenticeship Register Files (Removed from Register)**

Disposition: Temporary Record. Retain 5 years after individual is removed from the register.

#### **LICENSING EXAM QUESTIONS AND ANSWERS**

Disposition: PERMANENT RECORD.

## **Investigating**

### **ACCIDENT REPORT FILES**

Disposition: PERMANENT RECORD.

## **Administering Internal Operations: Managing the Agency**

### **ADMINISTRATIVE CORRESPONDENCE**

Disposition: PERMANENT RECORD.

#### **Routine Correspondence/Memoranda**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

#### **Commission Appointment Letters**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term expires.

#### **Telephone Logs**

Disposition: Temporary Record. Retain 3 years after the fiscal year in which the records were created.

#### **Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

#### **Records documenting the implementation of the department's approved RDA, including copies of transmittals for records transferred to the Department of Archives and History and the department's annual reports to the State Records Commission**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

#### **Copies of RDA**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

#### **Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies**

Disposition: Temporary Record. Retain 3 years.

## **Administering Internal Operations: Managing Finances**

### **GENERAL LEDGER**

Disposition: PERMANENT RECORD.

#### **Tax Returns for Secretary and Commission**

Disposition: Temporary Record. Retain 7 years after filed, then destroy.

**Records documenting the preparation of a budget package and reporting of the status of funds**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for payments due to the commission or for items purchased by the commission, and authorizing payment for products received**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**QUARTERLY RECEIPTS AND DISBURSEMENTS REPORTS**

Disposition: PERMANENT RECORD.

**Records of original entry – journals, registers, check books, and bank statements**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Agency Audit Reports**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

**Records documenting travel reimbursements for the members of the commission.**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Contractual records established for the purchase of services or personal property.**

Disposition: Temporary Record. Retain 6 years following the expiration of the contract.

**Administering Internal Operations: Managing Human Resources**

**Job description materials**

Disposition: Temporary Record. Retain until superseded.

**Records documenting salary and wages**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting employee hours worked, leave earned, and leave taken.**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting payroll deductions for tax purposes.**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting position classifications**

Disposition: Temporary Record. Retain 4 years after reclassification of position.

**Commissioners' Surety Bonds**

Disposition: Temporary Record. Retain 3 years after the year in which the commissioner leaves office.

**Administering Internal Operations: Managing Properties, Facilities, and Resources****RECORDS DOCUMENTING THE CONDUCT OF THE SEMIANNUAL PROPERTY INVENTORIES**

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

**Leasing/Renting Property Files**

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

## **Approval of Records Disposition Authority (RDA)**

By signing this agreement, the State Pilotage Commission acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The State Pilotage Commission will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the commission, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in October of each year, and ensuring the regular implementation of the commission's approved RDA.
- Permanent records in the State Pilotage Commission's custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The board should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the board chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The State Pilotage Commission agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the board and to inspect records destruction documentation. Government Records Division archivists are available to train the board staff in RDA implementation and otherwise assist the board in implementing its records management program.



The State Records Commission adopted this revision to the Records Disposition Authority on October 25, 2000.

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Edwin C. Bridges, Chairman  
State Records Commission

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Date

Receipt acknowledged:

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John C. Gray, Chairman  
State Pilotage Commission

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Date